

Appl. No. 10/777,741
Atty. Docket No. 7900C
Amdt. dated November 4, 2004
Reply to Office Action of August 20, 2004
Customer No. 27752

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REMARKS

Claims 2 has been cancelled without prejudice. The limitation presented in original Claim 2 has been incorporated into Applicants' independent Claim 1. No new matter has been presented in amended Claim 1. Claim 9 has been amended to change its dependency from originally presented Claim 8. Claim 11 has been amended to correct a typographical error. No new matter has been presented in amended Claims 9 and 11. Claims 18-21 have been added. Claim 18 claims a microvalve for controlling fluid flow, wherein the drive mechanism comprises at least one actuator, a rotation gear hub, and a rotation gear. Support for new Claim 18 is found in Claims 1 and 11, as originally presented. New Claim 19, dependent from new Claim 18, requires the shutter to be pivotable to a position intermediate open and closed positions to permit a proportional amount of fluid flow. Support for new Claim 19 is found in Claim 12, as originally presented. New Claim 20 claims a microvalve for controlling fluid flow, wherein the drive mechanism further comprises at least one actuator, a rotation gear hub, a rotation gear, and a linear gear. Support for new Claim 20 is found in Claims 1 and 15, as originally presented. New Claim 21, dependent from new Claim 20, requires the rotation gear hub to be rotatable clockwise and counterclockwise so as to pivot the shutter between the open and closed positions. Support for new Claim 21 is found in Claim 17, as originally presented. No new matter has been presented in new Claims 18-21. Claims 1 and 3-21 remain in the instant Application and are presented for the Examiner's review in light of the above amendments and the following remarks.

Allowable Subject Matter

The Examiner has indicated that Claims 2, 5-8, 10-13, and 15-17 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for this determination.

Rejections Under 35 U.S.C. §112

The Examiner has rejected Claim 9 for lacking antecedent basis for the limitation "said first and second impact comb drives" in line 1. By amendment herein, Applicants have amended the dependency of Claim 9 to Claim 8, as originally presented, thereby providing the required antecedent basis. In light of this amendment, Applicants respectfully request withdrawal of the Examiner's 35 U.S.A. §112, ¶2 rejection to Claim 9.

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Rejections Under 35 U.S.C. §102

The Examiner has indicated that Claims 1, 3, 4, and 14 are rejected under 35 U.S.C. §102(b) over Silverbrook, U.S. Patent No. 6,290,862. Applicants respectfully traverse this rejection for the following reasons:

1. Applicants' Claim 1, as now presented by amendment herein, claims a microvalve for controlling fluid flow comprising, *inter alia*, a drive mechanism for causing the shutter to pivot with respect to the body portion so that the shutter is brought into and out of alignment with the opening of the body portion by causing the shutter to pivot by impacting a portion of the shutter.
2. Newly amended Claim 1 incorporates the limitation presented in original Claim 2, which the Examiner has indicated as allowable subject matter.

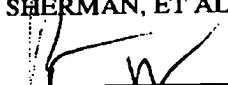
Since Applicants have incorporated the limitations of original Claim 2 into Claim 1, Applicants respectfully believe the rejection under 35 U.S.C. §102(b) has been obviated. Applicants respectfully request withdrawal of the Examiner's 35 U.S.C. §102(b) rejection to Applicants' amended Claim 1 and the claims dependent thereon. Further, new independent Claims 18 and 20 incorporate the limitations presented in Applicants' original Claims 1 and 11, and 1 and 15, respectively. The Examiner has previously indicated this to be allowable subject matter.

Conclusion

Based on the foregoing, it is respectfully submitted that each of Applicants' remaining claims is in condition for allowance and favorable reconsideration is requested.

This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512, and no fee is believed due. However, if any additional charges are due, the Examiner is hereby authorized to deduct such charge from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,
SHERMAN, ET AL.


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